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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR-12-00495 SBA
)	
Plaintiff,	)	STIPULATED REQUEST TO SET
	)	CHANGE OF PLEA AND SENTENCING
v.	)	ON NOVEMBER 6, 2012 AND TO
	)	EXCLUDE TIME UNDER THE SPEEDY
DARYL TREMAINE MITCHELL,	)	TRIAL ACT
)	
Defendant.	)	Date: August 30, 2012
	)	Time: 9:30 a.m.
	)	Court: Hon. Kandis A. Westmore
)	

The above-captioned matter is set on August 30, 2012 before this Court for a status hearing. The parties request that this Court vacate that date as to defendant Daryl Tremaine Mitchell and set this matter for change of plea and sentencing on November 6, 2012 at 10:00 a.m., and that the Court exclude time under the Speedy Trial Act between the date of this stipulation and November 6, 2012.

The parties have reached an agreement pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure and will submit the proposed plea agreement to the Court at the same time as this stipulation. To allow time for the Court to consider the proposed plea agreement and for the preparation of a Presentence Investigation Report by the United States Probation Office, the

STIP. REQ. TO SET CHANGE OF PLEA & SENTENCING ON NOVEMBER 6, 2012 & TO EXCLUDE TIME
No. CR-12-00495 SBA

parties request that this matter be set on November 6, 2012 at 10:00 a.m. for change of plea and sentencing (assuming the proposed plea agreement is acceptable to the Court). Defendant agrees that the Court may review the pre-plea Presentence Investigation Report even though he has not yet pleaded guilty. Since the proposed plea agreement has been submitted to the Court, the parties further stipulate and agree that the time between August 20, 2012 and November 6, 2012 should be excluded under the Speedy Trial Act, and specifically pursuant to 18 U.S.C. § 3161(h)(1)(G), for consideration by the Court of a proposed plea agreement to be entered into by the defendant and the attorney for the government.

DATED: August 20, 2012

_____/s/_____
JAMES C. MANN
Assistant United States Attorney
Counsel for United States

_____/s/_____
SARA RIEF
Counsel for Daryl Tremaine Mitchell

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,	)	No. CR-12-00495 SBA
)	
12 Plaintiff,	)	ORDER GRANTING STIPULATED
	)	REQUEST TO SET CHANGE OF PLEA
13 v.	)	AND SENTENCING ON NOVEMBER 6,
	)	2012 AND TO EXCLUDE TIME UNDER
14 DARYL TREMAINE MITCHELL,	)	THE SPEEDY TRIAL ACT
)	
15 Defendant.)	Date: August 30, 2012
)	Time: 9:30 a.m.
16)	Court: Hon. Kandis A. Westmore
)	
17)	

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19 The parties jointly requested that the August 30, 2012 status hearing as to defendant

20 Daryl Tremaine Mitchell be vacated and that this matter be set for change of plea and sentencing

21 on November 6, 2012 at 10:00 a.m. The parties further requested that time be excluded under

22 the Speedy Trial Act between August 20, 2012 and November 6, 2012 to allow time for the

23 Court to consider the proposed plea agreement to be entered into by the defendant and the

24 attorney for the government, and to allow time for the preparation of a Presentence Investigation

25 Report by the United States Probation Office. Defendant agreed that the Court may review the

26 pre-plea Presentence Investigation Report even though he has not yet pleaded guilty. Good

27 cause appearing therefor, and pursuant to 18 U.S.C. § 3161(h)(1)(G),

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1 **IT IS HEREBY ORDERED** that this matter is set for change of plea and sentencing on
2 November 6, 2012 at 10:00 a.m., and that time between August 20, 2012 and November 6, 2012
3 is excluded under the Speedy Trial Act, and specifically pursuant to 18 U.S.C. § 3161(h)(1)(G),
4 for consideration by the Court of a proposed plea agreement to be entered into by the defendant
5 and the attorney for the government.

6 **IT IS FURTHER ORDERED** that the United States Probation Office shall prepare a
7 Presentence Investigation Report.

8
9 DATED: __8/21/12


HON. SAUNDRA BROWN ARMSTRONG
United States District Court Judge